

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER
("MTBE") PRODUCTS LIABILITY
LITIGATION**

This documents relates to:

*Commonwealth of Pennsylvania, et al. v. Exxon
Mobil Corporation, et al.*, Case No. 1:14-cv-06228
SAS

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/29/16**

Master File No. 1:00-1898

MDL 1358 (SAS)

M21-88

SHIRA A. SCHEINDLIN, U.S.D.J.:

CASE MANAGEMENT ORDER NO. 121

This CMO memorializes rulings made at the April 26, 2016 status conference and other agreements of the parties.

I. NON-SITE-SPECIFIC DISCOVERY: To the extent any limitations previously existed on the scope of non-site-specific discovery, such limitations are removed and the parties may engage in full non-site-specific discovery, including depositions.

A. Each side – Plaintiff and Defendants – shall be limited to serving no more than 8 deposition notices per month. This limitation does not apply to expert discovery or third-party discovery.

II. NEWLY ADDED DEFENDANTS: Those defendants joined in this matter after the First Amended Complaint ("Newly Added Defendants") will provide responses to CMO 119 categories as follows:

A. Responses to CMO 119 § III.A: Newly Added Defendants who are not related to a defendant originally a party to this action each shall provide in Excel format

their CMO 119 § III.A Site Lists, in compliance with the Court's direction at the February 16, 2016 status conference, within 90 days of entry of this Order.

Defendants who are related to a defendant already a party to this action, shall provide in Excel format their CMO 119 § III.A Site Lists, in compliance with the Court's direction at the February 16, 2016 status conference, within 60 days of entry of this Order.

- B. Responses to CMO 119 §§ III.B and III.C: Responses shall be served within 60 days of the entry of this Order.
- C. Responses to CMO 119 § III.E: For Newly Added Defendants who have previously served CMO 4 declarations in an MDL 1358 case, responses shall be filed within 90 days of entry of this Order. For Newly Added Defendants who have not previously served CMO declarations in an MDL 1358 case, responses shall be filed within 120 days of entry of this Order.


III. MTBE RELEASE SITE LISTS:

- A. To the extent not already completed, each Defendant will produce in Excel format updated CMO 119 § III.A Site Lists in compliance with the Court's direction at the February 16, 2016 status conference. As used herein, "Defendants" excludes the Newly Added Defendants addressed in Section II, above.
- B. Plaintiff will provide to Defendants a list of environmental consultants on which Plaintiff has served a subpoena and which Plaintiff alleges have not been responsive. To the extent not already done, each Defendant shall inform its environmental consultants that have been subpoenaed by Plaintiff that it does not object to the consultant producing responsive, non-privileged documents and

expects the consultant to comply with its obligations under Federal Rule of Civil Procedure 45.

- IV. LIMITED SITE-SPECIFIC DISCOVERY:** The parties shall meet and confer to develop a process to select focus sites. This provision is without prejudice to any party suggesting an alternative structure for later discovery and/or trial.
- V. ELECTRONICALLY STORED INFORMATION:** The parties agree to confer regarding production of electronically stored information.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
April 29, 2016